

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**JAMES M. GARDNER**

**PETITIONER**

**v.**

**No. 3:23CV51-MPM-JMV**

**PANOLA COUNTY, MISSISSIPPI  
TATE COUNTY, MISSISSIPPI  
MISSISSIPPI DEPT OF CORRECTIONS**

**RESPONDENT**

**CERTIFICATE OF APPEALABILITY**

The court has entered a final judgment in a *habeas corpus* proceeding in which the detention complained of arises out of process issued by a state court under 28 U.S.C. § 2254 or § 2241, or the final order in a proceeding under 28 U.S.C. § 2255, and the court, considering the record in the case and the requirements of Fed. R. App. P. 22(b) and 28 U.S.C. § 2253(c), hereby finds that a certificate of appealability should not issue.

For the reasons stated in its opinion, the court finds that the Petitioner has failed to “demonstrate that the issues are debatable among jurists of reason; that a court could resolve issues in a different manner; or that the questions are adequate to deserve encouragement to proceed further.” *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4, 103 S.Ct. 3383, 3394 n.4, 77 L.Ed.2d 1090 (1993) (superseded by statute) (citations and quotations omitted); 28 U.S.C. § 2253(c) (1) and (2). Specifically, the court finds, for the reasons set forth in its memorandum opinion and final judgment, that the instant petition for a writ of habeas corpus should be dismissed.

**SO ORDERED**, this, the 1st day of June, 2023.

/s/ Michael P. Mills  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF MISSISSIPPI